

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of : Customer Number: 31824
Ryan Mason, et al. : Confirmation Number: 4844
Application No.: 10/787,226 : Group Art Unit: 2443
Filed: February 27, 2004 : Examiner: Kishin G. Belani
For: USER INTERFACE FOR REMOTE :
COMPUTING DEVICES :

**Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Claims 1, 4-7, 10-12, 17, 20-21, 24-25, 27 and 31-40 are currently pending in the application, with Claims 1, 7, 17, and 21 being the independent claims.

Rejections Under 35 U.S.C. §112: Claims 21, 24, 36 and 40 are rejected under 35 U.S.C. § 112, second paragraph. Applicants respectfully disagree and submit that the specification provides sufficient structures and acts for the claimed function. FIGS. 1, 2, 3, 4 and the accompanying description of the specification as published (U.S. Pat. App. Pub. No. 2005/0193104) provide various structures and acts for performing the claimed functions. More specifically, paragraphs [0044]-[0046]¹ recite exemplary structures and means for performing the means plus function steps recited in claims 21, 24, 36 and 40. With respect to claim 21, paragraphs [0059], [0060], [0063], [0064], [0075] and [0078] recite exemplary structure, material or acts and one skilled in the art could identify the structure, material or acts from that description for performing the limitations recited in claim 21. With respect to claim 24, paragraphs [0055]-[0058] recite exemplary structure, material or acts and one skilled in the art could identify the structure, material or acts from that description for performing the limitations recited in claim 24. With regard to claim 36, paragraphs [0061]-[0071] recite exemplary structure, material or acts and one skilled in the art could identify the structure, material or acts from that description for performing the limitations recited in claim 36. With regard to claim 40, paragraphs [0075] and [0076] recite exemplary structure, material or acts and one skilled in the art could identify the structure, material or acts from that description for performing the limitations recited in claim 40. Accordingly, Applicants respectfully submit that the rejections of claims 21, 24, 36 and 40 under 35 U.S.C. § 112, second paragraph is overcome and should be withdrawn.

Rejections Under 35 U.S.C. §103(a): Independent claims 1, 7, 17 and 21 are rejected under 35 U.S.C. § 103(a) over U.S. Pat. No. 6,295,556 ("Falcon"), in view of U.S. Pat. App. Pub. No. 2004/0003371

¹The paragraph numbers are those of the published application (U.S. Pat. App. Pub. No. 2005/0193104) for convenience.

("Coulthard"), U.S. Pat. App. Pub. No. 2004/0088377 ("Henriquez"), and U.S. Pat. App. Pub. No. 2002/0091850 ("Perholtz"). The rejections are respectfully traversed, and reconsideration and withdrawal of these rejections are respectfully requested for the reasons stated below.

I. The cited combination fails to describe or suggest "a keystroke management window ... wherein if the local keystroke management setting is disabled, all the hotkey keystrokes are processable at a first local computing device, and the remote computing device is configured to ignore the hotkey keystrokes at the remote computing device," as recited in independent claims 1, 17 and 21 and similarly in independent claim 7

The Office Action acknowledges that Falcon, Coulthard, and Henriquez do not disclose these features, and instead relies on Perholtz as disclosing this limitation, citing to the flow-chart of Fig. 7G, Decision block 759 of Perholtz "that checks for use of 'Hot Keys'" and further to paragraph [0288], lines 1-16 of Perholtz "that disclose the use of 'Hot Keys' for redirecting remote client's input keystrokes/mouse data to the local host [i.e. by selecting, using hotkey keystrokes or mouse-clicks, from the Host menu, such that all the hotkey keystrokes are processed at the computing device instead of at the remote computing device]." See Office Action, pg. 11-12. Applicants respectfully disagree with this contention.

Perholtz discloses that if the Host menu is selected, the Remote PC (allegedly equated with the "remote computing device" of claim 1) assumes control of the Host PC (allegedly equated with the "first local computing device" of claim 1), as stated by the Office Action. See Office Action, pg. 11-12. However, there is no description in Perholtz that "all the hotkey keystrokes are processable at the computing device instead of at the remote computing device". There does not appear to be any discussion of hotkey keystrokes being processable at the Host PC (allegedly local computing device) and it appears that the assertion made by the Office Action is not supported by any evidence within the reference. That is, Perholtz fails to disclose any language regarding "all the hotkey keystrokes are processable at the local computing device instead of at the remote computing device" as asserted by the Office Action.

Instead, Perholtz teaches away from a local keystroke management setting where "if the local keystroke management setting is disabled, all the hotkey keystrokes are processable at a first local computing device and the remote computing device is configured to ignore the hotkey keystrokes at the remote computing device." Perholtz discusses a system that "permits a Remote PC to access and control a Host PC." See Perholtz, para. 0288. More specifically, when "a Remote PC is placed in a Host mode, the Remote PC assumes control of the Host PC." See Perholtz, para. 0288. Perholtz goes on to explain that when in Host mode "because the Remote keyboard, mouse and VDM act as if the remote user is sitting at the Host PC, there needs to be a sequence and/or combination of keystrokes (i.e. hot key) pre-defined that will cause the Remote PC to return back to a normal operating mode." For example, "taps of the left or right shift keys presently cause the TVLINK.EXE program to pop up and activate TVLINK.EXE menu processing. In addition, when the 'Print Screen' key is pressed, TVLINK.EXE presently permits this keystroke to pass through to the Remote PC's operating system, thereby permitting the Remote PC to print the contents of a Host PC's VDM screen to a printer connected to the Remote PC." See Perholtz, para. 0288 and 0289. Therefore, even in Host mode, the Remote PC (allegedly remote computing device) still processes hotkey keystrokes such as those discussed in

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paragraph [0289] of Perholtz, and there is no discussion that any hotkey keystrokes are processable at the Host PC (allegedly local computing device). Thus, all the hotkey keystrokes are not processable at the Host PC (allegedly local computing device) and ignored at the Remote PC (allegedly remote computing device).

Similar arguments were presented in response to previous Office Actions. *See* Amendment filed February 25, 2011 and June 28, 2011. In response, the Office Action mailed May 5, 2011 states:

"First, the applicants cite the example of the "Print Screen" key in paragraph 0288 of Perholtz et al., which is not necessarily a hot key keystroke case. "Print Screen" is a single keyboard key. Second Perholtz et al. uses that an exception option that may or may not be implemented in all cases, but is available as an exception option. For all other hotkey keystroke options, the teachings of Perholtz et al. correspond to the claim elements recited in the independent claims 1, 7, 17 and 21."

Furthermore, the present Office Action states:

"The examiner begs to differ with this argument. The only one specific example cited for this argument is the keystroke combination that switches the computing device between a local computing mode or a remote computing mode, which may not be considered as a hotkey keystroke function, but a mode switch function, that will be needed in the applicant's invention as well." *See* Office Action, pg. 58.

As the Office Action acknowledges, Perholtz describes at least some hotkey keystrokes that are processed at the Remote PC. In fact, Perholtz specifically states that "there needs to be a sequence or combination of keystrokes (i.e. hot key)" that will be processed by the Remote PC even when in the Host mode. *See* Perholtz, para. 0288 and 0289 and FIG. 7G. Applicants respectfully point out that Perholtz specifically refers to the keystroke combination discussed in paragraph [0288] of Perholtz as a hot key. In fact, this discussion of hot key appears to be the only discussion of hot keys within the Perholtz reference. The Office Action itself, in contending that Perholtz describes the limitation recited in Applicants claim, cites to the hot key described in this paragraph and displayed in FIG. 7G as element 759. *See* Office Action, pg. 11-12. Thus, the only reference to processing of hotkeys in Perholtz is that the hotkeys provide for functions performed at the Remote PC while the Remote PC is in Host mode.

In the examiner interview conducted on December 20, 2011, Applicants discussed the above arguments with the Examiner and specifically pointed out that Perholtz does not teach that "if the local keystroke management setting is disabled, all the hotkey keystrokes are processable at a first local computing device and the remote computing device is configured to ignore the hotkey keystrokes at the remote computing device." Instead, Perholtz specifically points out the need for keystrokes predefined that will cause the Remote PC to return back to a normal mode and allowing the TVLINK.EXE to take other actions when necessary including, for example, when hotkeys such as "Print Screen" and other such processing exceptions. *See* Perholtz, para. 0288.

In response, the Examiner stated that the description of hotkey strokes that are processable at the PC computer are optional and stated that the Perholtz reference is being applied assuming that these hotkeys will not be implemented. Applicants respectfully disagree. MPEP § 2141.02 (VI) specifically recites, "A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention" (emphasis added). Perholtz specifically discusses hotkeys that are processable at the remote computing device and thus not ignored. *See* Perholtz, paragraph [0028]. In fact, the only description

of hotkeys is with respect to these keys which are processable at the Remote PC. Accordingly, since the Office Action submits that neither Falcon, Coulthard, and Henriquez describe the above feature and, for the reasons above, Perholtz also fails to describe or suggest the limitation and instead teaches away from the limitation, Applicants submit that the combination fails to render claim 1 obvious at least for failing to describe these features.

II. The cited combination fails to describe or suggest, "wherein the desktop is operative to display at least a first application icon directly on the desktop at the remote computing device, wherein the first application icon represents an application available for execution on the first local computing device," as recited in claims 1, 7, 17 and 21

The Office Action relies on Coulthard as describing this limitation. Coulthard does not disclose displaying at least a first application icon representing an application available for execution on the first local computing device. Instead, Coulthard describes "a common user interface ... displaying the connections objects, and underneath a list of the tools that can access the at least one remote system using that displayed connection object." See Coulthard, para. 0047. Coulthard further discloses,

"[A] framework for use with an integrated development environment, the framework comprising: a registry of at least one connection to at least one remote system, the at least one connection used by a plurality of tools in the integrated development environment to access the at least one remote system; and a common user interface shared by the plurality of tools, the common user interface capable of displaying the at least one connection and the plurality of tools and a context menu associated with each connection in the registry." See Coulthard, para. 0046.

The tools described in Coulthard refer to "a software application that enables a software developer to write additional applications." See Coulthard, para. 0003. The integrated development environment of Coulthard comprises software applications, (i.e. tools), that access the remote system through a connection associated with a connection object. Thus, Coulthard's "remote accessing tools" cannot be equated with "an application available for execution on the first local computing device," as they are instead specifically defined as residing within the integrated development environment executing on the processor of the computer processing device, allegedly equated with the remote computing device recited in claim 1 (not the local computing device), accessing one or more remote systems, allegedly equated with the local computing device recited in claim 1. See Coulthard, para. 0050 and 0099.

In response to similar arguments in Applicants' responses to previous Office Actions (Amendment filed June 28, 2011), the present Office Action states:

"The reason for the applicant's misinterpretation of Coulthard's teachings is due to the difference in nomenclature for labeling local and remote computing devices. Whereas the applicants name the server 120 of Fig. 1 [where the applications execute] as a local computing device, Coulthard names such servers 1120-1124 in Fig. 11, as remote computing systems. Therefore, the examiner's mapping of the computing devices in the previous office action is still valid and the cited Coulthard reference still reads on the recited text of claim 1." See Office Action, pg. 57.

Applicants respectfully disagree. In the response to the previous Office Action, Applicants specifically stated:

Instead, the "remote accessing tools" of Coulthard are specifically defined as residing within the integrated development environment executing on the processor of the computer processing

device, equated with the remote computing device recited in claim 1 (not the local computing device), accessing one or more remote systems, equated with the local computing device recited in claim 1.

It should be clear from this statement that Applicants' argument was based on the understanding that the remote computing systems such as servers 1120-1124 in FIG. 11 of Coulthard were equated with the local computing device recited in claim 1. Thus, the response provided by the Office Action does not appear to address the arguments made by the Applicants.

MPEP § 707.07(f) requires that, "where the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it." Applicants respectfully submit that the present Office Action fails to address the substance of Applicant's arguments regarding the asserted teachings of Coulthard. The Office Action does not appear to answer the substance of Applicant's arguments which was based on a correct understanding of the nomenclature used in Coulthard. Thus, Applicants request that a new Non-Final Office Action be issued answering these arguments as required by MPEP § 707.07(f).

During the examiner interview Applicants pointed out that the Office Action has failed to point to any specific language in Coulthard to support the assertion that Coulthard describes the feature of claim 1, as asserted by the Office Action. The Examiner stated that he has knowledge of the limitations being commonly performed with respect to systems in the field and that based on his knowledge this limitation is obvious even if it is not specifically stated in the Coulthard reference. Applicants point out that it is not appropriate to rely on "common knowledge" as primary evidence without pointing to evidentiary support in prior art. The Examiner then cited to paragraph [0099] of Coulthard, alleging that this paragraph provides evidentiary support. Applicants have reviewed this portion of Coulthard and it does not appear that the cited portion describes what is asserted by the Applicants, for the same reasons discussed above regarding the Coulthard reference as a whole. Instead, based on the Examiner's statements during the examiner interview it appears that the Examiner is improperly relying on his own knowledge in rejecting claims 1, 7, 17 and 21. *See* MPEP § 2144.03 (A).

For at least the reasons described above, the combination of Falcon, Coulthard, Henriquez, and Perholtz, as well as the other references made of record, do not teach or suggest what is recited in claim 1. Accordingly, Applicants respectfully submit that independent claims 1, 7, 17, and 21 could not have been obvious under 35 U.S.C. § 103(a).

Respectfully submitted,

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